

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TONY K. MCDONALD, JOSHUA B.
HAMMER, and MARK S. PULLIAM,

Plaintiffs,

v.

RANDALL O. SORRELS, et al.,

Defendants.

Civil Action No. 1:19-cv-00219-LY

NOTICE OF SUPPLEMENTAL AUTHORITY

In arguing that *Janus v. American Federation of State, County, & Municipal Employees*, 138 S. Ct. 2448 (2018), supports their arguments in this case, Plaintiffs and Texas Attorney General Ken Paxton as *amicus curiae* have cited the Supreme Court’s post-*Janus* grant, vacate, and remand order in *Fleck v. Wetch*, 139 S. Ct. 590 (2018). *See, e.g.*, Hr’g Tr. 9:12-10:7 (Aug. 1, 2019); Att’y Gen. Amicus Br. 7 n.4 (ECF No. 40). On August 30, 2019, the Eighth Circuit issued its decision on remand in *Fleck*. The court once again affirmed the district court’s grant of summary judgment in favor of the State Bar Association of North Dakota on the *Fleck* plaintiff’s First Amendment claims. In doing so, the court confirmed that “*Janus* did not overrule *Keller* [*v. State Bar of California*, 496 U.S. 1 (1990)].” *Fleck v. Wetch*, No. 16-1564, slip op. at 10-11 (8th Cir. Aug. 30, 2019). The court’s opinion is attached to this notice.

Dated: August 30, 2019

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CERTIFICATE OF SERVICE

I certify that on August 30, 2019, I electronically filed the foregoing Notice of Supplemental Authority with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the Court's CM/ECF system, which will send notification of such filing to the following:

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